

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER ROOM AC 255  
THURSDAY, JUNE 26, 2008, 1:00 P.M.**

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**CALL TO ORDER**

Pat Haukohl, Chairperson, called the meeting to order at 1:00 p.m.

Commission

|                  |             |                |              |
|------------------|-------------|----------------|--------------|
| Members Present: | Pat Haukohl | Gary Goodchild | Jim Siepmann |
|                  | Walter Kolb | Betty Willert  | Walter Baade |

Commission

Members Absent: Bonnie Morris

Staff

Members Present: Richard L. Mace, Planning and Zoning Division Manager  
Daniel Vrakas, County Executive  
Elfriede Sprague, Clerk III  
Kathy Brady, Secretary Supervisor  
Jason Fruth, Senior Planner  
Peggy Tilley, Senior Land Use Specialist

|                 |             |                 |                |
|-----------------|-------------|-----------------|----------------|
| Guests Present: | Jim Derrick | Robert Thelen   | Steve Styza    |
|                 | Mike Herro  | Mark May        | Rodell Singert |
|                 | Jim Barbian | Mark Cartwright |                |

**CORRESPONDENCE:** None.

**MEETING APPROVAL:** None.

**MINUTES:**

- *Mrs. Willert moved, seconded by Mr. Siepmann, and carried unanimously for approval of the May 15, 2008, Minutes.*

**PUBLIC COMMENT**

Mr. Baade tendered his resignation from the Park and Planning Commission effective September 1, 2008.

Mrs. Haukohl requested a presentation be given to the Commission explaining pervious concrete, its uses, and its impact on the environment, etc. as it is a product some members of the Commission are unfamiliar with. Mr. Mace replied he would follow up with Perry Lindquist.

Dan Vrakas, County Executive, commemorated Mrs. Willert for her 14 years of serving on the Park and Planning Commission and presented her with a plaque of appreciation. The Commission also reiterated the County Executive's comments and expressed their appreciation to Betty for her years of service to the Commission.

Chairperson Haukohl asked if anyone from the audience wished to address the Commission? There being none, she moved to the next item on the agenda.

**SCHEDULED MATTER:**

None

• **CZ-0819A (Roger Berg/James Derrick) Town of Genesee, Section 12**

Mr. Mace presented the “Staff Report and Recommendation” dated June 26, 2008, and made a part of these Minutes. He pointed out the location of the property in part of the SW ¼ and part of the SE ¼ of Section 12, Town of Genesee on the aerial photograph.

Mr. Mace stated the rezoning of this property applies to only a portion of it. There is a +/- 155 ft. wide strip on the east side of the property designated as A-2 Rural Home Residential District that will need to be changed to the B-3 General Business District with an A-O Overlay, to be consistent with the rest of the parcel. This strip is in non-compliance with the present A-2 District requirements, which requires a 200 ft. minimum width and was not included in the initial rezoning. It is now part of the parcel Mr. Derrick is purchasing.

Mr. Mace stated in 1987, most of the property was conditionally rezoned to limit the use of the parcel to metal fabricating in conjunction with equipment repairs, welding, engine repair, equipment painting, and grain storage and drying. The petitioner now wishes to add storage facilities and seasonal firework sales to the permitted uses. The Staff is in agreement with the addition of storage facilities but feels the sale of fireworks should not be authorized as a permitted use, although the Town did approve the fireworks sales. Mrs. Haukohl questioned Condition No. 4. Mr. Mace explained that on the existing County Development Plan, this property is in the Rural Residential Density Category. On the proposed Development Plan, the area is to be designated in the Commercial Category. Until it is adopted, the requested amendment to the rezone is not consistent with the existing Plan, although it is consistent with the proposed Plan if adopted. Mrs. Haukohl stated the language is confusing as the condition says “This rezone...” when it is an amendment to the conditions of the original rezone. Mr. Mace agreed, stating it is not technically a rezone but it is modifying the conditions of the district requirements set forth in 1987 to add mini-storage facilities and fireworks sales. Chairperson Haukohl asked why a map was not included with the Staff Recommendation? Mr. Mace replied the map was not changed, however the Staff feels the entire parcel should be designated in the B-3 General Business District by adding the non-conforming strip on the west side. However, the Notice of Public Hearing did not include the +/- 155 ft. strip, so a new hearing would have to be held.

Mr. Derrick stated he is now the owner of the property, when the application process was initiated he was the agent for Roger Berg. When he originally applied, Jeff Herrmann, Town of Genesee Planner, told him that the Town wanted the entire property to be in the B-3 Business District. He understood there was an undetermined amount of time before the new Waukesha County Development Plan would be adopted, and he wanted to get his project started, so applied then. He would like to receive his permit before the proposed Master Land Use Plan is adopted, so that he can move forward. Mrs. Haukohl asked when would it be adopted to which Mr. Mace replied it is in the final stages and should be adopted in the early fall.

*After discussion, Mr. Kolb moved, seconded by Mr. Baade and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with Condition No. 4 amended to read:.*

- 4. This amendment shall not be effective until such time as the Waukesha County Land Use Plan is amended from the Rural Residential Density designation to the Commercial designation as is proposed.*

Mr. Mace asked Mr. Derrick if he understood the conditions imposed? Mr. Derrick questioned whether he would now have to apply for a rezoning of the 155 ft. strip? Mr. Herrmann answered that he would if he plans to use it as commercial property, however, when the Master Plan is completed the Town may make some comprehensive zoning changes, and this strip could be included.

Mr. Siepmann asked if Condition No. 4 were eliminated, could Mr. Derrick build his mini-storage units now? In the event the Master Land Use Plan is not approved as proposed, then it would become a legal non-conforming use. Mr. Mace replied, "Yes, however if they were destroyed, they would not be rebuildable and he would be taking a risk". Mr. Siepmann stated he is not confident the Master Land Use Plan will be completed in the next couple of months and would like Mr. Derrick to be able to start building his units. Mrs. Haukohl commented she does "not like to approve in advance, things that are not done. Procedurally it can become a problem". Discussion followed regarding the elimination of Condition No. 4.

*Mr. Siepmann called for the question as to whether to remove Condition No. 4.*

*The motion carried unanimously to have Condition No. 4 remain.*

*The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances*

- **SCU-1285B (Aaron Jagdfeld - Lakewood Farms Preserve) Town of Mukwonago, Sections 29 & 30**  
Mr. Mace presented the "Staff Report and Recommendation" dated June 26, 2008, and made a part of these Minutes. He pointed out the location of the property in the SW ¼ of Section 29, Town of Mukwonago on the aerial photograph and stated the petitioner is requesting a Conditional Use amendment to modify conditions relative to impervious surface limitations.

Mrs. Willert excused herself due to a possible conflict of interest. Mr. Fruth explained this request applies to one lot in particular, but because the impervious surface restriction applies to the entire subdivision, they were all included. Mrs. Haukohl expressed concerns about the pervious concrete. What if the surface is not maintained as required and clogs, will it increase the amount of impervious surfaces? What will it be like in 10 to 15 years? She stated this area of the Mukwonago River watershed is extremely sensitive and needs to be preserved.

Mr. Jim Barbian, of JBC Landscape, stated 2,885 sq. ft. of pervious concrete is figured for the Jagdfeld project. They have a large home that will require a long driveway and would like to construct a deck and an in ground pool. Without the driveway, they would reach the limits of the impervious surface requirement. The use of the pervious concrete would allow them to construct the driveway, decking and pool, etc. He explained the concrete has a series of interconnected voids that allows moisture to pass through into a stone storage area and perks down into the aquifer. In this case, there will be an 18-inch storage area. He added, this area of Mukwonago has readily drained soils adapting well to this product and even though the use is new in the northern climates the product is well over a hundred years old. The pervious concrete has been used in the south and west for over 25 years with tremendous results, and they are starting to do it with asphalt. Studies have been performed analyzing freeze/thaw cycles per year, and it has held up well. Flow rate studies have determined three to eight gallons per minute/per square foot can pass through the product. The Town did express some concerns regarding maintenance of the product. The Staff has recommended maintenance twice a year, which is beyond what is needed. Maintenance consists of pressure washing and vacuuming to make sure that any fines trapped in the concrete are removed. The Town has designated the Town Engineer to monitor the product as they also are interested in seeing how it performs. Mr. Siepmann asked if there is less runoff with this material versus regular turf? Mr. Barbian replied there is much more runoff on turf. Mr. Siepmann stated it seems to be a "good thing to try". Water seeping through the stone

would be cleaner and would then perk into the ground, eliminating large amounts of runoff. Leif Hauge, Land Resources Division, commented he believes that it is a very viable product. Mr. Siepmann noted this is a Cluster Development and added if it had been developed as a Conventional Subdivision, it would have been allowed a larger percentage of impervious surface and the Commission would not be seeing this request.

Mr. Steve Styza, Harmony Homes, commented when the subdivision was developed, the Friends of the Mukwonago River recommended an 8% overall impervious surface limit and the County and the developer agreed to 7%. Mr. Fruth believes in going over the subdivision records that the right-of-way may have been figured into the impervious surface calculations, versus just the paved roads. He pointed out the drainage from the subdivision runs to a stormwater facility that is designed to accommodate a 10-year storm event, and should not run into the Mukwonago River. If any other homes wish to install this product, they will need to petition the Town with their individual requests.

*After discussion, Mr. Kolb moved, seconded by Mr. Siepmann and carried with 5 yes votes, (Mrs. Willert excused herself) for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and meets the intent and purposes of all County Ordinances.*

- **CU-1485 (Gary Brzezinski) Town of Vernon, Section 12**

Mr. Mace presented the “Staff Report and Recommendation” dated June 26, 2008, and made a part of these Minutes. He pointed out the location of the property at W225 S7800 Sunset Glen Ct., Town of Vernon on the aerial photograph and stated the petitioner is requesting Conditional Use approval for earth-altering activities to allow the construction of a berm on the property to buffer traffic noise from Guthrie Road. Mr. Goodchild noted the parcel is a corner lot surrounded by road on three sides and felt the berm was a reasonable request to provide some privacy.

*After discussion, Mr. Siepmann moved, seconded by Mrs. Willert and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of his land and meets the intent and purposes of all County Ordinances.*

- **CU-1484B (Mark Cartwright) Town of Vernon, Section 25**

Mr. Mace presented the “Staff Report and Recommendation” dated June 26, 2008, and made a part of these Minutes. He pointed out the location of the property in the SE ¼ of Section 25, Town of Vernon on the aerial photograph and stated the petitioner is requesting to amend an existing Conditional Use Permit.

Mr. Mace stated Mr. Cartwright wishes to expand his business with the construction of a salt storage shed, cold storage equipment building and the installation of a fuel tank. He is also requesting approval to allow a land division, (a three lot Certified Survey Map) to create two lots for his children, and the third lot would contain his business. The existing Conditional Use is for the entire parcel. This Conditional Use would amend the legal description to Lot 3 and Outlot 1 of Parcel 2 of the proposed Certified Survey Map. Cartwright Road will become a public road and Mr. Cartwright will be dedicating the right-of-way to the Town. Mr. Goodchild asked if Staff had any problems with the salt containment shed. Mr. Mace replied Conditions No. 7 and 11 address the salt containment shed.

*After discussion, Mrs. Willert moved, seconded by Mr. Baade and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and meets the intent and purposes of all County Ordinances.*

- **CU-0679D (Philip and Debra Ostroski) Town of Vernon, Section 23**

Mr. Mace presented the "Staff Report and Recommendation" dated June 26, 2008, and made a part of these Minutes. He pointed out the location of the property at S87 W23715 Edgewood Avenue, Town of Vernon on the aerial photograph and stated the petitioner is requesting to amend conditions of approval for an "in-law" unit on the second floor of a detached garage. The requested change is to modify a previously imposed condition that the "in-law" unit must be converted to storage prior to the sale of the property, unless a new Conditional Use Permit is granted to the new owners. This change is being requested so that if the property is sold and the new owners do not wish to utilize the finished living area above the detached garage as an "in-law" unit, that area could be used as living space by the owners of the main residence and would not need to be converted to storage. He stated Staff feels this is a reasonable request and the Commission agreed.

*After discussion, Mrs. Willert moved, seconded by Mr. Baade and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **Mike Herro (Oconomowoc Realty) Town of Oconomowoc, Section 30**

Mr. Mace presented the "Staff Memorandum" dated June 26, 2008, and made a part of these Minutes. He pointed out the location of the property at N58 W39835 Industrial Road in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting a determination of whether a doggy day care facility can be considered an unspecified Conditional Use. The matter was tabled at the June 5, 2008, meeting.

Mr. Mace presented a proposed Doggy Day Care definition as requested by the Commission and stated the definition will need to be approved by the Town of Oconomowoc before it can be adopted.

Robert Thelen, neighbor, asked that standards be devised regarding waste management, noise, etc. and that Doggy Day Care's be handled as Conditional Uses/Plan of Operations. Mr. Mace answered they will be handled as Conditional Uses with a public hearing being held if this option is approved by the Commission for each application, however some time in the future they may come under Staff review only as a Plan of Operation, through Ordinance amendments. Mrs. Haukohl noted, "as a Conditional Use" was not included in the definition. Mr. Mace replied it was implied, however he will add it to the definition.

Mark May, neighbor, urged the Commission to reject the Doggy Day Care proposal. Mr. Mace explained this is not a Conditional Use hearing. This meeting is to establish a definition of a Doggy Day Care and to determine whether it can be considered an Unspecified Conditional Use subject to Conditional Use procedures. It will be up to Mr. Herro if he wishes to apply for one.

*After discussion, Mr. Siepmann moved, seconded by Mr. Goodchild and carried unanimously to adopt the Staff's recommendation of the definition of a Doggy Day Care, with the addition of "as a Conditional Use", subject to the Town's approval, and to permit the petitioner to apply for an Unspecified Conditional Use under the provisions of Section 3.07 (3) of the Waukesha County Zoning Code.*

• **Town of Oconomowoc (Sunnyfield Acres Subdivision) – Section 30**

Mr. Mace presented the “Staff Memorandum” dated June 26, 2008, and made a part of these Minutes. He pointed out the location of Sunnyfield Acres Subdivision in the Town of Oconomowoc on the aerial photograph and stated the Town is requesting to reduce the established right-of-way widths for the roads in the Sunnyfield Acres Subdivision, recorded in 1957. The streets were originally platted at 60 ft. and currently provide for more than enough right-of-way to function as local Town roads with drainage ditches and utilities being accommodated. The Staff and the Town feel there is no need to maintain the 66 ft. established road right of way width.

*After discussion Mrs. Willert moved, seconded by Mr. Siepmann and carried unanimously to reduce the right-of-way widths of Courtland Dr., Almar Dr., Laketon Ave., Sunnyfield Dr. and Meadow Ln. in the Sunnyfield Acres Subdivision from 66 ft. to 60 ft.*

• **Town of Delafield (Ronald Fedder) – Section 23**

Mr. Mace presented the “Staff Memorandum” dated June 26, 2008, and made a part of these Minutes. He pointed out the location of Oakton Rd., west of Elmhurst Rd. in the Thomasland Subdivision, Town of Delafield on the aerial photograph and stated the Town, on behalf of a request by Ronald Fedder, N20 W29446 Oakton Rd., is requesting the platted road right-of-way width of 50 ft. be adopted for that portion of Oakton Road. He explained when the plat was developed in 1984, the street width of 50 ft. was dedicated adjacent to the Wisconsin Electric Power Company right-of-way and resulted in a number of lots having more useable land area than what had previously existed prior to the recording of this plat. This area is served with sewer and it is not intended this road will continue westerly. The Town feels the 50 ft. platted right-of-way is adequate for all Town road purposes and the Staff agrees.

*After discussion, Mr. Baade moved, seconded by Mr. Siepmann and carried unanimously to adopt the platted road right-of-way width of 50 ft. for that portion Oakton Road west of Elmhurst Dr. in Section 23 of the Town of Oconomowoc.*

• **Report of Nominating Committee and Election of Officers for the Park and Planning Commission**

|                               |                       |
|-------------------------------|-----------------------|
| <b><u>Chairperson</u></b>     | <b>Pat Haukohl</b>    |
| <b><u>Vice-Charperson</u></b> | <b>Gary Goodchild</b> |
| <b><u>Secretary</u></b>       | <b>Bonnie Morris</b>  |

*After discussion, Mrs. Willert moved, seconded by Mr. Baade and carried unanimously for approval of the officers as recommended.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mrs. Willert moved, seconded by Mr. Baade to adjourn at 3:05 p.m.*

Respectfully submitted,

Betty Willert  
Secretary  
BW:es